

Joint Committee on Administrative Rules
ADMINISTRATIVE CODE

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE
PART 402 LICENSING STANDARDS FOR FOSTER FAMILY HOMES
SECTION 402.8 GENERAL REQUIREMENTS FOR THE FOSTER HOME

Section 402.8 General Requirements for the Foster Home

- a) The foster home shall be clean, well ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
- b) The foster home may not use or have on the premises any unsafe children's product as described in the Children's Product Safety Act [430 ILCS 125] and 89 Ill. Adm. Code 386 (Children's Product Safety).
- c) The water supply of the foster family home shall comply with the requirements of the local and State health departments. If the foster family home accepts children under age ten or who are developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.
- d) Water Hazards Protection
 - 1) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate.
 - 2) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5-foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, pool's steps shall be removed or the pool shall be otherwise protected to insure the pool cannot be accessed.
 - 3) Any hot tub not enclosed with a 5-foot fence shall have a securely locked cover.
 - 4) Any portable wading pool not enclosed with a 5-foot fence shall be emptied daily.

- 5) Licensees in foster family homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds, or the like must have current CPR certification.
- 6) Foster homes shall come into compliance with the above water hazard requirements by January 1, 2010. Foster homes that have a license or a permit on January 1, 2009 and have had a fence with a minimum height of 3½ foot shall be considered in compliance with the fence requirement.
- e) No person shall smoke tobacco in a foster family home, open or enclosed motor *vehicle* while transporting a foster child, or *within 15 feet of entrances, exits, windows that open, and ventilation intakes that serve* the foster family home. [410 ILCS 82/10 and 70] This subsection does not prohibit smoking in a licensed foster home that does not have foster children in placement.
- f) Portable space heaters may be used as a supplementary source of heat if they have an Underwriters Laboratories sticker attached and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.
- g) Dangerous household supplies and dangerous tools shall be kept in a safe place inaccessible to children under 12 years of age. These items shall remain inaccessible to children during disposal.
- h) When not being dispensed or immediately accessible due to medical necessity, prescription and nonprescription drugs shall be kept in places that are not readily accessible to children under 12 years of age. Expired or unused medications, syringes, medical waste, or medication shall remain inaccessible to children during disposal.
- i) Any and all firearms and ammunition shall be locked up at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time. Loaded guns shall not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures.
- j) The foster home shall comply with all requirements of the State laws and municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.
- k) The foster home shall have an operating telephone on the premises unless the supervising agency has approved a written plan detailing the immediate and unrestricted access to a telephone.
- l) The foster home shall have fire and emergency evacuation plans that are to be discussed and rehearsed quarterly with the children.

- m) The foster home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics, in accordance with Section 3 of the Smoke Detector Act [425 ILCS 60/3].
- n) A foster home that is not exempted by Section 20 of the Carbon Monoxide Alarm Detector Act [430 ILCS 135] shall be equipped with a minimum of one approved carbon monoxide detector within 15 feet of every sleeping room, in accordance with Section 10 of that Act.
- o) Adequate closet and dresser space comparable to that provided to the other children of the household shall be provided for each foster child to accommodate personal belongings.
- p) Foster parents shall respect children's rights to privacy while sleeping, bathing, toileting, and dressing.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

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SECTION 402.9 REQUIREMENTS FOR SLEEPING ARRANGEMENTS

Section 402.9 Requirements for Sleeping Arrangements

- a) Each foster child shall be provided his own separate bed or crib. Children who have been sharing a bed in compliance with previous versions of this subsection shall be provided his or her own separate bed or crib, by the foster parent, by October 1, 2002.
- b) If children placed in foster care exhibit sexually abusive behavior, sleeping arrangements for the sexually abusive child shall comply with the requirements of a safety plan approved by the Department.
- c) Children under six years of age may share a bedroom with related children of the opposite sex who are also under age six if each child is provided with a separate bed or crib.
- d) Unrelated children under two years of age may share a bedroom with children of the opposite sex who are also under the age of two if each child is provided a separate bed or crib.
- e) A foster child may share a bedroom with his or her own children of either sex if each child is provided a separate bed or crib.
- f) A foster child shall not share the bedroom with an adult except under emergency conditions for a brief period of time, when a child is ill, needs frequent attention or as allowed in Section 402.9(g). The supervising agency can require that a foster parent occupy sleeping quarters on the same level of the home as a child who has medical or behavioral issues that warrant close supervision. This requirement shall be written into the child's CFS 497, Service Plan, Part IIB.
- g) When adulthood (age 18) is reached by a foster, biological or adopted child for whom sharing the bedroom with a foster child under eighteen years of age has been determined to be in the best interests of the foster child, the supervising agency shall approve such arrangements in accordance with the provisions of this Section.

- h) The supervising agency may approve the use of a multi-purpose room for use as a bedroom in order to enable children of common parentage to be placed together or when it enables a placement that is otherwise in the best interests of the children. Such approvals shall be in writing and shall contain the names and birth dates of the children for whom the approval was issued. These approvals shall be reviewed and reapproved at each license renewal.
- i) There shall be a minimum of 40 square feet, excluding the closet and wardrobe area, for the first child occupying a bedroom and a minimum of 35 square feet for each additional child sharing the room. However, the supervising agency may approve a smaller room size on an individual case basis when such approval is in the best interests of the children. Such approvals shall be in writing and shall contain the names and birth dates of the children for whom the approval was issued. These approvals shall be reviewed at each license renewal.
- j) The room shall be exposed to an outside window or shall have auxiliary means of ventilation.
- k) The springs and mattresses on each bed requiring such shall be level, clean, unsoiled with no rips, tears or sags in the mattress or mattress cover, and not infested with insects. The bedding shall be suitable for the season.
- l) Linens shall be changed at least weekly for all children and as frequently as needed for children not toilet trained and for those who are enuretic.
- m) Waterproof mattress covers shall be provided for all beds or cribs for enuretic children.
- n) Sleeping rooms shall be comfortable and shall be furnished suitably for the age and sex of the child.
- o) Basements and Attics
- 1) Basements and attics may be used for sleeping for children who are mobile, capable of self preservation, and able to understand and follow directions with minimal assistance in an emergency.
 - 2) Children for whom basement or attic sleeping arrangements may be provided shall be individually evaluated and approved by the supervising agency in accordance with the above cited requirements.
 - 3) To be used for sleeping, basements and attics shall have two exits with one exit leading directly to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window that provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.

- 4) No basement or attic shall be used for sleeping without the approval of the supervising agency after consultation with the appropriate safety authorities.

(Source: Amended at 26 Ill. Reg. 2624, effective February 11, 2002)

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SECTION 402.10 NUTRITION AND MEALS

Section 402.10 Nutrition and Meals

- a) The foster home shall provide at least three balanced meals per day in quantities sufficient to meet the recommended dietary allowances for nutritional needs of children. The time span between meals shall not be greater than 14 hours (overnight).
- b) Food products from home-raised animals shall meet the standards of the Departments of Agriculture and Public Health.
- c) When a physician has prescribed a special diet for a child, the home shall provide the special diet.
- d) The foster home shall consider the child's nutritional needs in relationship to the sex, age, religious beliefs and cultural background of the child.
- e) Meals served to children shall be substantially the same as those served other family members unless a variation based on medical needs or religious beliefs is required.
- f) Meals shall be served in an unhurried manner, under clean and sanitary conditions.
- g) Children shall be encouraged to eat the food that is served, but shall not be subjected to coercion or forced feeding.
- h) Children may be allowed to assist in meal preparation under adult supervision.

(Source: Renumbered from Section 402.9 at 7 Ill. Reg. 3439, effective April 4, 1983)

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SECTION 402.11 BUSINESS AND EMPLOYMENT OF FOSTER PARENTS

Section 402.11 Business and Employment of Foster Parents

- a) The operation of a commercial rooming or boarding house on the premises is not permitted.
- b) The operation of other business enterprises on the premises is permitted but shall not interfere with the care of the child or endanger the health, safety and welfare of the child. The supervising agency must know and approve of any business operation.
- c) Employment outside of the home is permitted but shall not interfere with the proper care of the foster child. When foster parents are employed outside the home, provision shall be made for adequate supervision of the children. The provision for supervision of the foster children shall be approved in writing by the supervising agency prior to placement of children in the home or at the time of employment. A copy of the approval shall be maintained in the supervising agency's licensing file and shall be sent to the foster parent.

(Source: Amended at 26 Ill. Reg. 2624, effective February 11, 2002)

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SECTION 402.12 QUALIFICATIONS OF FOSTER FAMILY

Section 402.12 Qualifications of Foster Family

- a) The licensees shall be either a single person or two persons in a marriage or civil union with each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.
- b) An individual may be allowed to share the living arrangements only at the discretion of the supervising agency. The foster family is responsible for reporting to the supervising agency that an individual may be sharing the living arrangements prior to the individual moving into the home or prior to licensure. The individual will be subject to the same requirements as other members of the household, such as health certification and background checks as required in 89 Ill. Adm. Code 385 (Background Checks). The license capacity will be redetermined based on the new family composition.
- c) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age.
- d) The capability of the foster parents to provide care shall be considered prior to licensure of the foster family home. A decision to establish the age and number of children permitted in the home shall be based on an assessment of the foster family and shall consider at least the following:
 - 1) the foster parents' capability to provide care including an evaluation of the caregivers' health, strength, and mobility;
 - 2) the number, chronological and functional age, and characteristics and needs of the children currently under the care of the foster parents. This shall include an assessment of the foster parent's own children under age 18, all other children under age 18 receiving full-time care, and children receiving day care services in the foster family home;
 - 3) the characteristics, limitations, and responsibilities of the caregivers. All members of the foster family shall be free from active alcohol or substance dependency;

- 4) the caregivers' ability to appropriately care for and adequately supervise the children currently in the home, as well as their ability to care for and supervise the ages, needs, and behaviors of the children who may be placed in the foster family home; and
 - 5) the number of foster parents in the home and the availability and experience of child care assistants.
- e) All members of the household age 13 and older (except for foster children) shall have passed the background check required by 89 Ill. Adm. Code 385 (Background Checks).
 - f) Foster parents shall accept agency supervision.
 - g) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.
 - h) Foster home applicants shall provide the names and addresses of at least three persons who are not related to them who can attest that the applicants are of reputable and responsible moral character.
 - i) Foster parents shall respect a child's ties to his or her family and support the child in maintaining connections with his or her family. Foster parents shall cooperate with the supervising agency and the service plan for the child and his/her family. In an effort to become better acquainted with the child's siblings and other family members, a foster parent shall transport children to and supervise family visitation whenever possible.
 - j) The foster family shall have sufficient financial resources to provide basic necessities for themselves and their own children.
 - k) As a condition of initial licensure, each foster parent shall complete Pre-licensure Foster PRIDE/Adopt PRIDE Training or an equivalent pre-licensure foster parent training that has been approved by the Department.
 - l) As a condition of fostering unrelated children in a licensed foster home, each foster parent shall complete Pre-placement Foster PRIDE/Adopt PRIDE Training or an equivalent pre-placement foster parent training that has been approved by the Department.
 - m) Promoting Joint Placement of Sibling Groups and Sibling Contact
 - 1) As part of pre-licensure training, each foster parent shall receive training regarding the importance of maintaining sibling relationships and the child's sense of attachment to his/her siblings, the importance of maintaining sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed. Foster home applicants shall be asked to explore their willingness to help children maintain contact with their siblings and

other significant relationships in the children's past, as well as significant relationships they develop in the future. Foster home applicants shall be told that they may be contacted in the future regarding placement of siblings of a child subsequently requiring placement, or visitation and contact with siblings in other living arrangements or living independently.

- 2) The Department shall assess the prospective foster family's understanding of a foster child's family connections, their willingness to help and support children in maintaining or developing a relationship with their siblings, including siblings with whom the children do not yet have a relationship, and recognize the value of preserving family ties between siblings, including their need for stability and continuity of relationships, and the importance of sibling contact in the development of the each child's identity.
 - 3) When it is not possible to place all of the children together, the Department shall encourage the prospective foster families to encourage and facilitate visitation and contact among the siblings.
- n) In addition, each foster parent shall complete, as a condition of license renewal, 16 clock hours of approved in-service training. The foster home license shall not be renewed until each single foster parent and at least one foster parent in a married couple, or couple in a civil union, has completed educational advocacy training by the Department or approved agency that, if completed in the most recent licensing cycle, may count toward the 16 clock hours of in-service training. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.
 - o) An expanded capacity license to allow foster homes to serve more than six children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) may be granted if the foster family home meets the requirements of Section 402.15(c). As a provision of retaining the expanded capacity license, foster parents shall complete a total of 9.0 clock hours of approved training each calendar year, beginning the calendar year the expanded capacity license is issued.
 - p) A statement that describes how the foster family and the foster family's home comply with the requirements of this Part shall be placed in the permanent foster home record. If the foster family home is not in compliance with any of the licensing standards, these standards shall be specifically recorded and the plan for achieving compliance shall be outlined. The plan for achieving compliance shall indicate whether foster children can remain in the foster home and whether new placements may be made in the foster home while the foster home is achieving compliance with the licensing standards. The statement shall be updated to reflect any changes in the status of the foster family or the foster home. All such updates shall be entered within five working days after the change in status.

(Source: Amended at 40 Ill. Reg. 808, effective December 31, 2015)

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SECTION 402.13 BACKGROUND INQUIRY**

Section 402.13 Background Inquiry

- a) As a condition of issuance or renewal of a license by the Department, foster parents shall furnish information of:
- 1) any offenses (other than minor traffic violations) for which they have been convicted; and
 - 2) the disposition of the convictions.

The Department shall make a determination concerning the suitability of the foster parents in working with the child in accordance with this Part and 89 Ill. Adm. Code 385 (Background Checks).

- b) All members of the foster family who transport foster children shall submit to annual verification of their driver's license, automobile liability insurance, and driving records. Any vehicle used to transport foster children shall be equipped with safety restraints in accordance with Section 4b of the Child Passenger Protection Act [625 ILCS 25/4b]. Any foster family member transporting foster children shall comply with the child passenger restraint requirements of the Child Passenger Protection Act and any other state and local vehicle safety laws or ordinances and shall ensure that all foster children wear required safety restraints at all times while being transported.
- c) Persons who have been convicted of an offense shall not be automatically rejected as foster parents unless the offense is one of those listed in Part 402.Appendix A. Otherwise, the Department shall consider the following:
- 1) the type of crime for which the individual was convicted;
 - 2) the number of crimes for which the individual was convicted;
 - 3) the nature of the offenses;
 - 4) the age of the individual at the time of conviction;

- 5) the length of time that has elapsed since the last conviction;
- 6) the relationship of the crime and the capacity to care for children;
- 7) evidence of rehabilitation; and
- 8) opinions of community members concerning the individual in question.

(Source: Amended at 30 Ill. Reg. 6321, effective March 31, 2006)

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SECTION 402.14 HEALTH OF FOSTER FAMILY

Section 402.14 Health of Foster Family

- a) Foster parents and all members of the household shall provide medical evidence that they are free of communicable diseases or physical and mental conditions that affect the ability of the family to provide care.
- b) Before licensing, the foster parents shall furnish the supervising agency with a medical report on forms provided by the agency for each member of the household. A medical report shall be obtained for the foster parents, their children, other persons residing in the foster home, and child care assistants. The medical reports shall not be more than one year old. Copies of medical examinations of school age children who are members of the household that were completed in accordance with the requirements of the School Code [105 ILCS 5/27-8.1] are acceptable provided copies of the medical examinations are on file with the supervising agency.
- c) If there is a question regarding the mental or emotional health of the foster parent applicant or other adult members of the household, clinical reports and evaluations may be required by the supervising agency.
- d) Medical re-examinations of the foster parents and other members of the household shall be required at least once every four years or upon licensing renewal, whichever comes first. Copies of medical re-examinations of school age children who are members of the household that were completed in accordance with the requirements of the School Code [105 ILCS 5/27-8.1] are deemed to be in compliance with this requirement provided copies of the re-examinations are on file with the supervising agency. A medical re-examination of foster parents and other members of the household shall be required at an earlier date when, through personal observation of, or notification from the foster family, it becomes evident to the supervising agency or the physician has reason to believe that the foster parents or a member of the household has a communicable disease or other physical impairment.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

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SECTION 402.15 NUMBER AND AGES OF CHILDREN SERVED

Section 402.15 Number and Ages of Children Served

- a) General Rule Regarding the Number of Children in a Foster Family Home
Refer to Appendices B and C of this part for a visual explanation of the number and ages of children allowed in a foster family home.
- 1) The maximum number of children permitted in a foster family home shall be six children who do not require specialized care, except as permitted in subsections (c), (d) and (e) of this Section. This maximum number includes the foster parents' own children under age 18 and all other children under the age of 18 receiving full-time care.
 - 2) When determining how many children a foster family home may accept for care, the maximum number of children shall be reduced as described in Appendix C when the foster, adopted, or biological children have developmental, emotional, behavioral, or medical needs which require specialized care.
- b) General Rules Regarding Ages of Children in a Foster Family Home
- 1) **Four Children Under Age Six**
No more than four children under six years of age, including the foster parent's own children, shall receive full-time care in a foster family home at any one time. When all of the foster children are of common parentage, as defined in Section 402.2, the foster home may be specifically approved under subsection (c)(3)(A)(ii) of this Section to care for more than four children under six years of age with the approval of clinical services and licensing.
 - 2) **Two Children Under Age Two**
No more than two children, including the family's own children, shall be under two years of age unless the foster family home is accommodating a sibling group on a temporary basis.
- c) Expanded Capacity License Provisions for Foster Family Care

- 1) Foster parents may be licensed to care for more than six children on a full-time basis only if the foster parents are otherwise in compliance with the requirements of this Part, can meet the licensing standards for the additional children and have demonstrated competency in caring for the ages and characteristics of children for whom they are seeking the expanded capacity license. The maximum number of children permitted in a foster family home with an expanded capacity license is eight children unless:
 - A) all of the foster children are of common parentage, as defined in Section 402.2, and the Director of the Department has personally approved the placement; or
 - B) a waiver to permit an adoptive placement has been granted by the Director in accordance with subsection (e) below.
- 2) No more than two of the children cared for under an expanded capacity license may be under two years of age unless the foster family home is accommodating a sibling group on a temporary basis.
- 3) An expanded capacity license may be issued to allow only the following types of care:
 - A) Sibling Groups
 - i) A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) in order to keep one or more sibling groups together in the foster family home.
 - ii) The maximum of no more than four children under age six does not apply when all of the foster children are of common parentage, as defined in Section 402.2, and clinical services and licensing have approved in writing a plan which allows for the full-time care of more than four children under age six.
 - iii) No expanded capacity license is required to allow overnight visits between siblings.
 - B) Foster Children with Children
A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) to allow foster children who are parents to bring their own children with them to live in the foster family home. The expanded capacity license is to allow the foster family

home to accept more than six children, but does not exempt the home from compliance with the requirements of Section 402.15(b) of this Section, regarding the ages of children in the home.

C) Respite Foster Care

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care), if the home provides respite foster care. Any children received for respite care shall be counted in the maximum of eight children.

d) Foster Care Placements Made Before January 1, 1998

1) These amendments are not retroactive in their effect. If more than six children under age 18 are residing in a foster family home as of December 31, 1997, the appropriateness of continuing in the foster care placement shall be evaluated for each child by June 30, 1998. The results of the evaluation shall be documented in the child's case record and a copy forwarded to the Department's local office of licensing.

2) If the evaluation finds that the foster children are receiving adequate and appropriate care in the current foster family home and that remaining in the current foster family home is in the best interests of the foster children, the foster children may remain in the foster care placement, even if there are more than six children in the home (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care).

A) Foster parents are not required to obtain an expanded capacity license to continue to care for children already placed with them as of December 31, 1997, but may not accept additional foster children until the home complies with the requirements of Section 402.15 of this Part.

B) When the foster children in care as of December 31, 1997 move to another placement or attain the age of 18, the capacity of the foster home will be reduced until it reaches the maximum of six children, unless the foster parents have applied for and been granted an expanded capacity license allowing them to care for eight children.

3) If the evaluation finds that the foster children are not receiving adequate and appropriate care in their current foster family home or that remaining in the current foster family home is not in the best interests of one or more of the foster children, the affected children shall be moved to another appropriate placement. All such moves shall be made in a planned manner after prior notice has been given to the foster parents, as required by 89 Ill. Adm. Code 337, Service Appeals Process.

e) Adoptive Placements

1) Maximum Number of Children

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) in order to effect an adoptive placement. The Director of the Department of Children and Family Services may waive in writing the maximum number of eight children to effect an adoptive placement provided the following criteria are met:

- A) a licensed child welfare agency or the Department proposes to place an additional child or children in the home for the purpose of adoption;
- B) a licensed child welfare agency or the Department has documented in the child's case record that this home is the most appropriate choice for an adoptive placement and is consistent with the best interests and special needs of the child or children;
- C) the foster family is otherwise in compliance with the licensing requirements of this Part and can meet licensing standards for the additional child or children; and
- D) the foster family or supervising agency has requested, in writing, that the Director waive the limit of eight children under the age of 18 so that an additional child or children may be placed in their home for purposes of adoption.

2) Ages of Children

The Director of the Department of Children and Family Services may waive in writing the age requirements in subsection (b) of this Section, if necessary, to place a child in an adoptive home provided the criteria in subsection (c)(2) of this Section are met and there are a sufficient number of suitable adult caregivers to insure that the children receive proper care and supervision.

f) Independent Foster Family Homes

Independent foster homes receive children by independent arrangement. These homes are not subject to direct and regular supervision by a child welfare agency. These homes shall not be licensed for more than a maximum of four children under age 18 (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) unless all of the unrelated children are of common parentage. No more than two of these children, including the family's own children, shall be under the age of two unless the foster family is accommodating a sibling group on a temporary basis.

(Source: Amended at 22 Ill. Reg. 205, effective December 19, 1997)

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SECTION 402.18 RELIGION

Section 402.18 Religion

- a) The religious beliefs and rights of children shall be legally protected.
- b) Each child shall be given religious instruction in his own faith, or that of his parents, unless there is written consent of the parent or guardian (if residual parental rights have been legally terminated) for the child to participate in religious instruction and to attend the facility of another faith. This shall include consent to baptism or confirmation.
- c) Children shall be permitted to participate in religious services either singly or in groups.

(Source: Renumbered from Section 402.17 at 7 Ill. Reg. 3439, effective April 4, 1983)

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SECTION 402.17 HEALTH CARE OF CHILDREN

Section 402.17 Health Care of Children

- a) Each foster child shall have a medical and dental checkup once a year or upon medical or dental recommendation.
- b) In case of sickness or accident, immediate medical care shall be secured for the child in accordance with the supervising agency's directions.
- c) Immunizations and tests, unless exempt on religious grounds, shall be administered as required by the Department of Public Health regulations, or as recommended by a physician.
- d) Foster parents shall keep the supervising agency informed of any of the child's health concerns, including alcoholism and drug abuse.
- e) Prescription drugs or prescription medicines shall not be given to a foster child without a physician's prescription or authorization. When administering prescription medication, the foster parent shall follow the directions of the physician and all prescription medication administered by the foster parent shall be documented on the required medical log.
- f) Foster parents shall thoroughly acquaint anyone caring for the foster child in their absence with the foregoing health requirements.
- g) Any child who is suspected of having a serious contagious disease shall be separated from other children until a medical determination has been received that the disease is not contagious or is no longer contagious, or a plan for appropriate care and protection of other household members has been approved by the supervising agency after consultation with a licensed physician.

(Source: Amended at 26 Ill. Reg. 2624, effective February 11, 2002)

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SECTION 402.16 MEETING BASIC NEEDS OF CHILDREN

Section 402.16 Meeting Basic Needs of Children

- a) All children in the foster family shall be treated equitably.
- b) Children shall receive supervision appropriate to their developmental age at all times. All children in the foster home shall be protected from exploitation, neglect, and abuse. Suspected child abuse or neglect shall be reported to the supervising agency and to the Department immediately.
- c) Foster parents shall provide the child with ongoing opportunities to explore a wide variety of interest areas to expand his or her knowledge of learning possibilities that may lead to the child's systematic and lifelong involvement in one or more interest areas.
- d) Foster parents shall make every effort to preserve family ties between siblings, recognizing their need for stability and continuity of relationships, and the importance of sibling contact in the development of each child's identity. Foster parents shall help and support children in developing a relationship with their siblings, including siblings with whom the children do not yet have a relationship, and encourage and facilitate contact between the siblings.
- e) Each child shall be given the opportunity to develop social relationships through participation in schools, and other community and group activities. Each child shall have the opportunity to invite friends to the foster home and to visit in the home of friends.
- f) Care shall be exercised in giving permission for the foster child to visit overnight with friends or relatives of the child or foster parents. Extended trips away from the foster home must be approved by the foster child's parent or guardian.
- g) Personal allowance money shall be available to the children based upon the child's age and ability to manage the money. Adolescents may be allowed to earn additional spending money.
- h) Foster parents shall assist the child in the proper handling of money.

- i) Each child shall have the opportunity to learn to assume some responsibility for himself and for household duties in accordance with his age, health, and ability. No child shall be permitted to do tasks which are hazardous, dangerous or risk harm to the child.
- j) The supervising agency shall immediately be notified of any situation that affects the care of the child, including but not limited to death, serious illness, incarceration, death of a child or any other significant occurrence.

(Source: Amended at 40 Ill. Reg. 808, effective December 31, 2015)

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SECTION 402.20 EDUCATION

Section 402.20 Education

- a) Foster parents shall encourage each child to complete high school or vocational training in accordance with his aptitude. Foster parents shall cooperate with the supervising agency in the child's educational plan.
- b) Children shall be permitted and encouraged to participate in extra-curricular activities including sports, art and music to the extent of their interests, abilities, and talents.
- c) The supervising agency shall ensure that the foster parents shall maintain contact with those serving the educational needs of their children and seek their cooperation to assure that:
 - 1) children are placed in appropriate grades and program; and
 - 2) there is periodic evaluation of individual children.
- d) The supervising agency shall ensure that each child is provided with the necessary school supplies, materials and equipment.

(Source: Renumbered from Section 402.19 at 7 Ill. Reg. 3439, effective April 4, 1983)

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SECTION 402.21 DISCIPLINE OF CHILDREN

Section 402.21 Discipline of Children

- a) Discipline shall be appropriate to the developmental age of the child, related to the child's act, and shall not be out of proportion to the particular inappropriate behavior. Discipline shall be handled without prolonged delay.
- b) The foster parent shall be responsible for the discipline of the child. Discipline shall never be delegated to a child's peer or peers, nor to persons who are strangers to the child.
- c) No child shall be subjected to corporal punishment, verbal abuse, threats or derogatory remarks about him or her or his or her family.
- d) No child shall be deprived of a meal or part of a meal as punishment.
- e) No child shall be deprived of visits with family or other persons who have established a parenting bond with the child. Cancellation of arranged visits as a form of discipline is prohibited.
- f) No child shall be deprived of clothing or sleep as punishment.
- g) A child may be restricted to an unlocked bedroom for a reasonable period of time. While restricted, the child shall have full access to sanitary facilities.
- h) A child may be temporarily restrained by a person physically holding the child if the child poses a danger to himself or to others.
- i) The personal spending money of a child may be used as a constructive disciplinary measure to teach the child about responsibility and the consequences of his behavior. However, no more than 50% of the child's monthly personal spending money shall be withheld for any reason.
 - 1) Withholding a child's monthly personal spending money shall occur only under the following circumstances:

- A) for reasonable restitution for damages done by the child; or
 - B) for breaking the family's rules if the child has been given an oral warning that his spending money will be reduced for this infraction.
- 2) When a child's spending money has been reduced because he has broken a rule, the foster parent shall keep the withheld money for the child and shall not use it for any reason. The foster parent shall give the child opportunities to earn the money back and shall explain to the child how the spending money can be restored.
- j) Special or additional chores may be assigned as a disciplinary measure.
 - k) Privileges may be temporarily removed as a disciplinary measure.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

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SECTION 402.24 CONFIDENTIALITY OF INFORMATION

Section 402.24 Confidentiality of Information

All personal or identifying information concerning a foster child, including but not limited to, his background, his family, and the identity and location of all other persons or families with whom he has been, or will be placed, shall be treated as confidential by all persons involved with the child.

(Source: Amended at 11 Ill. Reg. 4292, effective March 1, 1987)

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SECTION 402.19 RECREATION AND LEISURE TIME

Section 402.19 Recreation and Leisure Time

Foster parents should encourage appropriate indoor and outdoor recreation.

(Source: Renumbered from Section 402.18 at 7 Ill. Reg. 3439, effective April 4, 1983)

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SECTION 402.23 RELEASE OF CHILDREN

Section 402.23 Release of Children

The foster parents shall not release a foster child to anyone except as authorized by the supervising agency.

(Source: Renumbered from Section 402.22 at 7 Ill. Reg. 3439, effective April 4, 1983)

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SECTION 402.22 EMERGENCY CARE OF CHILDREN

Section 402.22 Emergency Care of Children

In the case of an emergency requiring the absence of the foster parent from the foster home for a period of 24 hours or longer, the supervising agency must be notified so that appropriate arrangements may be made for the care of the child.

(Source: Renumbered from Section 402.21 at 7 Ill. Reg. 3439, effective April 4, 1983)

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SECTION 402.25 REQUIRED WRITTEN CONSENTS

Section 402.25 Required Written Consents

- a) The supervising agency shall ensure that prior written consents from legally responsible persons (parent, court, or other legal custodian or guardian) are obtained for certain acts of a child or performance of certain acts on his behalf, including but not limited to:
- 1) health care and treatment, including medical, surgical, psychiatric, psychological, and dental;
 - 2) use of psychoactive drugs;
 - 3) religious instruction and/or church attendance in a different faith;
 - 4) work programs, induction into the armed services, driving a car and car ownership;
 - 5) extensive visits, trips, or excursions;
 - 6) use of photographs for publicity or other purposes; and
 - 7) consent to marriage for child under age of 18.
- b) Written consents shall be dated and limited to a specific period of time.
- c) Any written or verbal consent or authorization given by the individuals referenced in subsection (a) or by others that conflicts with any of the requirements of this Part is not valid.

(Source: Amended at 26 Ill. Reg. 2624, effective February 11, 2002)

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SECTION 402.26 RECORDS TO BE MAINTAINED

Section 402.26 Records to be Maintained

- a) Records to be maintained by the foster family shall include:
- 1) the name and date of birth of the child, the legal guardian of the child, religion of the child, and arrangements for education of the child;
 - 2) a record of immunizations the child has received; any physical problems, limitations, or allergies the child has; any current recommendations for special medical care;
 - 3) the name, address, and telephone number of the child's physician, guardian, and supervising agency;
 - 4) a log of medication prescribed and given;
 - 5) the names, addresses, and telephone numbers of persons to contact in case of emergency;
 - 6) the names and persons to whom the child may be released;
 - 7) a record of waivers for immunizations, medical examinations, and treatment;
 - 8) a record and/or receipts for distribution of allowance and clothing funds;
 - 9) a record of the emergency evacuation plan and quarterly rehearsals;
 - 10) a record of the child care supervision plan, when required under Section 402.11(c);
 - 11) a copy of the CFS-592, Overnight Visit Arrangements that shall be kept for the duration of the visit;
 - 12) a copy of any CFS-432, Guardian's Consent for Out-of-State Travel, or Extended Trips.

- b) The foster family shall maintain records to verify attendance at required pre-service and in-service trainings.
- c) Records maintained by the foster family shall be kept current and shall be open to inspection by the supervising agency. All persons who have access to the foster family's records shall respect their confidential nature.

(Source: Amended at 26 Ill. Reg. 2624, effective February 11, 2002)

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SECTION 402.27 LICENSING SUPERVISION

Section 402.27 Licensing Supervision

Foster parents shall cooperate with the supervising agency to assure continuing compliance with licensing requirements. Each licensed facility, except those in non-active status, supervised by the Department or a private child welfare agency shall be visited by the licensing worker of the Department or the agency at least semiannually to ensure that the standards for licensing continue to be met.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

